

**COMMONWEALTH OF MASSACHUSETTS
State Building Code (780 CMR) Appeals Board
Board's Ruling on Appeal¹**

Docket No. 08-580

Appellant(s): Richard Griffin

vz. Appellee(s): City/Town of Marblehead
Robert Ives

Procedural History

This matter came before the State Building Code Appeals Board ("Board") on the Appellant's appeal filed pursuant to 780 CMR 122.1. In accordance with 780 CMR 122.3, the Appellant requested that the Board grant him a variance from 780 CMR 705.3, for 25 Lafayette Street, Marblehead, MA a.k.a. The Lafayette Convalescent Home. In accordance with GL c. 30A, §§10 & 11; GL c. 143, §100; 801 CMR 1.02 *et. seq.*; and 780 CMR 122.3.4, the Board convened a public hearing on June 5, 2008 where all interested parties were provided with an opportunity to testify and present evidence to the Board.

The Appellant gave testimony via phone. Robert Ives was present at the hearing.

Discussion

A motion was made to grant the Appellant's request for a variance from 780 CMR 705.3, and allow windows to be closer than 3 feet to the property line based on the testimony, which indicated that the topography of the adjacent property essentially precludes development of any new building on that property. The motion also indicated that the addition is sprinklered and that the windows closer than 3 feet to the property line will be protected with exterior sprinklers. There was a second on the motion and a board vote was taken, which was unanimous.

Conclusion

The Appellant's request for a variance from 780 CMR 705.3, is hereby granted and so ordered² on this date: June 5, 2008.

¹ This is a concise version of the Board's decision. You may request a full written decision within 30 days of the date of this decision. Requests must be in writing and addressed to: Department of Public Safety, State Building Code Appeals Board, Program Coordinator, One Ashburton Place, Room 1301, Boston, MA 02108

² In accordance with M.G.L. c. 30A, §14, any person aggrieved by this decision may appeal to the Superior Court within 30 days after the date of this decision.